

Attorney Docket No.: RU-0124
Inventors: Breslauer and Gelfand
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REMARKS

Claims 1-45 are pending in the instant application. Claims 33-37 have been withdrawn from consideration by the Examiner and subsequently canceled without prejudice by Applicants in this amendment. Applicants reserve the right to file a divisional application to the canceled subject matter.

Claims 1-17, 19, 22, 25-32 and 38-45 have been rejected under 35 U.S.C. § 103(a) and/or 35 U.S.C. § 112, second paragraph.

However, claims 18, 20, 21, 23 and 24 have been acknowledged to be allowable as the Examiner states that there is no prior art that teaches or suggests a method of screening the nucleic acid stability by measuring changes in FET donor or acceptor intensity. Claims 18, 20, 21, 23 and 24 are objected to, however, as being dependent upon a rejected base claim.

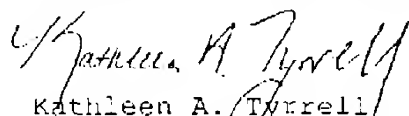
Accordingly, in an earnest effort to advance the prosecution of this case, Applicants have canceled all pending claims and added new claim 46-49 drawn to subject matter of claims 18, 20, 21, 23, and 24 acknowledged by the Examiner to be allowable. Specifically, claims 46-49 are drawn to methods wherein nucleic acid duplex stability is determined by measuring changes in FET donor or acceptor intensity of a nucleic acid duplex labeled with a donor

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and an acceptor of the FET pair in the presence of a target nucleic acid strand. Support for these claims is provided throughout the specification and in particular in claims 18, 20-21 and 23-24, now canceled. Thus, no new matter is added by these amendments.

Applicants believe the amendments to the claims overcome all pending rejections and that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of pending claims 46-49 is earnestly solicited.

Respectfully submitted,


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